

CHAPTER 10

General Offenses

Article I General Provisions

- Sec. 10-1-10 Definitions generally
- Sec. 10-1-20 Penalty

Article II Controlled Substances, Alcohol and Gaming Offenses

- Sec. 10-2-10 Possession and use of marijuana
- Sec. 10-2-20 Drug paraphernalia
- Sec. 10-2-30 Toxic vapors
- Sec. 10-2-40 Sale or possession of alcoholic beverages; restrictions for minors and intoxicated persons
- Sec. 10-2-50 Conduct of licensed establishments; report of criminal activity by liquor licensees
- Sec. 10-2-60 Prohibited possession or consumption of alcoholic beverages in any public place or park
- Sec. 10-2-70 Prohibited possession or consumption of ethyl alcohol by underage person on private property
- Sec. 10-2-80 General provisions
- Sec. 10-2-90 Loitering; drug-related activities; acts prohibited
- Sec. 10-2-100 Prohibited participation in gaming; age of participants

Article III Obstruction of Justice

- Sec. 10-3-10 Duty of a citizen to aid police
- Sec. 10-3-20 Use of emergency equipment
- Sec. 10-3-30 Interference with police
- Sec. 10-3-40 False reporting
- Sec. 10-3-50 False reporting to authorities
- Sec. 10-3-60 False statement to City personnel
- Sec. 10-3-70 Impersonating an officer or public servant
- Sec. 10-3-80 Resisting arrest
- Sec. 10-3-90 Escape
- Sec. 10-3-100 Report by physician of injured persons
- Sec. 10-3-110 Violation of court order
- Sec. 10-3-120 Accessory to ordinance violation
- Sec. 10-3-130 Obstructing municipal government operations

Article IV Offenses Against Persons

- Sec. 10-4-10 Assault
- Sec. 10-4-20 Reckless endangerment
- Sec. 10-4-30 False imprisonment
- Sec. 10-4-40 Menacing

Article V Offenses Against Property

- Sec. 10-5-10 Trespass
- Sec. 10-5-20 Injury to property
- Sec. 10-5-30 Injury or removal of signs
- Sec. 10-5-40 Placing signs without permission
- Sec. 10-5-50 Theft; defrauding a public establishment; theft of rental property
- Sec. 10-5-60 Motor vehicle theft
- Sec. 10-5-70 Fraud by check; definitions; penalties
- Sec. 10-5-80 Issuance of bad check

Sec. 10-5-90 Altering identification number; possession of article with altered number
Sec. 10-5-100 Theft by receiving
Sec. 10-5-110 Tampering and unauthorized connection
Sec. 10-5-120 Fire bans

Article VI Offenses Against Public Peace

Sec. 10-6-10 Obstructing public ways prohibited; waiver
Sec. 10-6-20 Unlawful conduct on public property
Sec. 10-6-30 Public buildings; trespass; interference
Sec. 10-6-40 Unnecessary noise; prima facie evidence; disturbing the peace
Sec. 10-6-50 Disorderly conduct
Sec. 10-6-60 Harassment
Sec. 10-6-70 Throwing of stones or missiles
Sec. 10-6-80 Sale or use of fireworks
Sec. 10-6-90 Abandoned containers
Sec. 10-6-100 Construction activities; hours of operation
Sec. 10-6-110 Panhandling

Article VII Offenses Relating to Morals

Sec. 10-7-10 Prostitution
Sec. 10-7-20 Lewd or indecent act
Sec. 10-7-30 Nudity in commercial establishments
Sec. 10-7-40 Urination

Article VIII Weapons

Sec. 10-8-10 Definitions
Sec. 10-8-20 Unlawful sales
Sec. 10-8-30 Unlawful display by dealers
Sec. 10-8-40 Unlawful concealment and display
Sec. 10-8-50 Possessing an illegal weapon
Sec. 10-8-60 Discharge within City prohibited; exceptions; range rules
Sec. 10-8-70 Possession of a defaced weapon
Sec. 10-8-80 Affirmative defense for peace officers
Sec. 10-8-90 Unlawful sale and possession of restricted ammunition
Sec. 10-8-100 Possession under the influence of intoxicants
Sec. 10-8-110 Possession of a loaded firearm in a motor vehicle
Sec. 10-8-120 Possession of firearms by juvenile

Article IX Minors

Sec. 10-9-10 Curfew; hours
Sec. 10-9-20 Curfew; parent or guardian responsibility
Sec. 10-9-30 Dispensing tobacco
Sec. 10-9-40 False identification
Sec. 10-9-50 Prohibited purchase
Sec. 10-9-60 Unlawful harboring
Sec. 10-9-70 Unlawful sales of obscene material to minors

Article X Children Offenders

Sec. 10-10-10 Definitions
Sec. 10-10-20 Duty of parents; appearance in court
Sec. 10-10-30 Responsibility of parents for payment of fine
Sec. 10-10-40 Hearings; procedure
Sec. 10-10-50 Issuance of summons and complaint
Sec. 10-10-60 Juvenile warrant
Sec. 10-10-70 Incarceration of child

ARTICLE I

General Provisions

Sec. 10-1-10. Definitions generally.

The terms used in this Chapter shall be defined in the Colorado Criminal Code or, if not defined in said Code, as used in their ordinary, usual and accepted sense and meaning. (Prior code 10-1)

Sec. 10-1-20. Penalty.

Any person failing to comply with this Chapter shall be subject to the fines and penalties as set forth in Section 1-4-20 of this Code. (Prior code 10-2)

ARTICLE II

Controlled Substances, Alcohol and Gaming Offenses

Sec. 10-2-10. Possession and use of marijuana.

(a) For purposes of this Chapter, *marijuana* means all parts of the plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate. *Marijuana* does not include industrial hemp, nor does it include fiber produced from its stalks, oil or cake made from the seeds of the plant or the sterilized seed of the plant which is incapable of germination or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

(b) It shall be a violation of this Code for any person to possess more than one (1) ounce of marijuana but less than six (6) ounces of marijuana.

(c) It shall be a violation of this Code for any person to purchase for consumption or possession by, to otherwise provide for consumption or possession by, or to sell to, any person under the age of twenty-one (21) years, marijuana as defined in this Section.

(d) It shall be a violation of this Code for any person under the age of twenty-one (21) to possess, attempt to purchase, purchase or obtain marijuana as defined in this Section, either directly or indirectly or through an intermediary, by misrepresentation of age or by any other means.

(e) It shall be a violation of this Code for any person to possess, consume or use marijuana as defined in this Section in a public place or on property owned, leased or operated by the State or any political subdivision or agency thereof, or upon property owned, leased or operated by the City. For purposes of this Section, *public place* shall mean and include any place commonly or usually open to the general public or any resort or club accessible to members of the general public. By way of illustration, public places include, but are not limited to, public ways, streets, buildings, sidewalks, alleys, parking lots, retail stores and centers, shopping malls, places of business usually open to the general public and automobiles or other vehicles in or upon any such place or places; but shall not include the interior or enclosed yard of private homes, residences, condominiums or apartments.

(f) It is an affirmative defense to a prosecution under this Section that a person who possesses or uses marijuana is so permitted by Colorado or federal law under the direction of a duly licensed medical or osteopathic doctor. (Prior code 10-21; Ord. 13-02 §1, 2013)

Sec. 10-2-20. Drug paraphernalia.

(a) Definitions.

Controlled substances means a drug or other substance as defined in Section 12-22-303, C.R.S.

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. *Drug paraphernalia* includes, but is not limited to:

a. Testing equipment used, intended for use or designed for use in identifying or analyzing strength, effectiveness or purity of controlled substances.

b. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.

c. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining cannabis.

d. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.

e. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

f. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

g. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing cannabis, cocaine, hashish or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Roach clips, defined as objects to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;

6. Miniature cocaine spoons and cocaine vials;
7. Chamber pipes;
8. Carburetor pipes;
9. Electric pipes;
10. Air-driven pipes;
11. Chillums;
12. Bongs; or
13. Ice pipes or chillers.

Marijuana accessories means any equipment, products or materials of any kind which are used or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing or containing marijuana or for ingesting, inhaling or otherwise introducing marijuana into the human body.

(b) Possession of drug paraphernalia. It shall be a violation of this Code for any person to knowingly possess drug paraphernalia.

(c) Manufacture, sale or delivery of drug paraphernalia. It shall be a violation of this Code for any person to sell or deliver, possess with intent to sell or deliver, manufacture with intent to sell or deliver equipment, products or materials, knowing that such equipment, products or materials constitute drug paraphernalia.

(d) Determination considerations.

(1) In determining whether an object constitutes drug paraphernalia, the court may consider, in addition to all other relevant factors, the following:

- a. Statements by an owner or by anyone in control of the object concerning its use;
- b. Proximity of the object to any controlled substance;
- c. The existence of any residue of controlled substances on the object;

d. Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person knows that it will be delivered to persons who he or she knows could use the object to facilitate a violation of this Section;

- e. Instructions, oral or written, provided with the object concerning its use;
- f. Descriptive materials accompanying the object which explain or depict its use;

- g. National or local advertising concerning the object's use;
- h. The manner in which the object is displayed for sale;
- i. Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
- j. The existence and scope of legal uses for the object in the community;
- k. Expert testimony concerning its use.

(2) In the event a case brought pursuant to this Section is tried before a jury, the court shall hold an evidentiary hearing on issues raised pursuant to this Subsection.

(e) The provisions of this Section shall not apply to personal use or possession of marijuana accessories as defined by Subsection (a) above by any person who is twenty-one (21) years of age or older to the extent provided by Article XVIII, Section 16(3) of the Colorado Constitution. (Prior code 10-22; Ord. 13-02 §§2, 3, 2013)

Sec. 10-2-30. Toxic vapors.

(a) Defined. As used in this Section, the term *toxic vapors* shall mean the following substances or products containing such substances: alcohols (methyl, ethyl, isopropyl, propyl, butyl), aliphatic acetates (ethyl, methyl, propyl, methyl cellosolve acetate), acetone, benzene, carbon tetrachloride, cyclohexane, Freons (Freon 11 and Freon 12), hexane, methyl ethyl ketone, methyl isobutyl ketone, naphtha, perchlorethylene, toluene, trichloroethane or xylene.

(b) Use or possession. It shall be a violation of this Code for any person intentionally to smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses or nervous system, or to possess, buy or use any such substance for the purpose of violating or aiding another to violate this Section.

(c) Under the influence. It shall be a violation of this Code for any person to intentionally be under the influence of any toxic vapors.

(d) Sale.

(1) It shall be a violation of this Code for any person to sell, give, deliver or furnish any substance releasing toxic vapors to any minor without the personal or written consent of a parent, guardian or other person having legal care or custody of such minor, except when the sale of one (1) tube of glue is made simultaneously with the sale, purchase and delivery of a hobby or model kit.

(2) It shall be a violation of this Code for any person, except a person who is at the time of such sale actually employed by or engaged in operating a bona fide commercial establishment at a fixed location, to sell to any other person any substance releasing toxic vapors, and all sales of such substance not made in or from such an establishment shall be unlawful.

(3) It shall be a violation of this Code for any person knowingly to sell or offer for sale, deliver or give away to any other person any substance releasing toxic vapors, where the seller, offerer, deliverer or donor knows or has reason to believe that such substance will be used for the purpose of inducing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses or nervous system.

(e) Exception. This Section shall not apply to the inhalation of anesthesia for medical or dental purposes. (Prior code 10-23)

Sec. 10-2-40. Sale or possession of alcoholic beverages; restrictions for minors and intoxicated persons.

(a) It shall be a criminal violation of this Code for any person to sell, serve, give away, dispose of, exchange or deliver, or permit the sale, serving, giving or procuring of ethyl alcohol, to or for any person under the age of twenty-one (21) years of age, to a visibly intoxicated person, or to a known habitual drunkard; or to permit any fermented malt beverage, malt or vinous liquor, as defined in this Code, to be sold or dispensed by any person under eighteen (18) years of age or spirituous liquor to be sold or dispensed by any person under twenty-one (21) years of age; or to permit any such person to participate in the sale or dispensing thereof.

(b) A parent or legal guardian of a person under twenty-one (21) years of age, or any natural person who has the permission of such parent or legal guardian, may give or permit the possession and consumption of ethyl alcohol to or by a person under the age of twenty-one (21) years of age, while such person is legally upon private property with the knowledge and consent of the owner or legal possessor of such private property, if the parent or legal guardian is present during such possession or consumption. This Subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Articles 46, 47 or 48 of Title 12, C.R.S., or any members, employees or occupants of any such establishment to give, provide, make available or sell ethyl alcohol to a person under twenty-one (21) years of age.

(c) It shall be a criminal violation of this Code to obtain or to attempt to obtain any ethyl alcohol, malt beverage, malt or vinous liquor by misrepresentation of age or by any other method in any place where ethyl alcohol, malt beverage, malt or vinous liquor is sold if such person is under twenty-one (21) years of age. (Prior code 10-24)

Sec. 10-2-50. Conduct of licensed establishments; report of criminal activity by liquor licensees.

(a) Any person who is a holder of a fermented malt beverage, malt, vinous or spirituous liquor license shall conduct his or her establishment in a decent, orderly and respectable manner and shall not permit within or upon the licensed premises the loitering of habitual drunkards or visibly intoxicated persons, lewd or indecent acts as defined in Section 10-7-20 of this Code, obscene profanity, rowdiness, undue noise or other unlawful activity offensive to the residents or occupants of the neighborhood in which the establishment is located.

(b) It shall be a violation of this Code for any person who is a holder of a fermented malt beverage, malt, vinous or spirituous liquor license, or for any manager or employee of such license holder in temporary charge of the licensed establishment at the time of the unlawful activity to fail to

immediately report to the Police Department any disorderly or unlawful activity under federal, state or local law occurring on or within the licensed premises or the property surrounding such licensed premises which is under the ownership or control of the license holder immediately upon the occurrence of the same.

(c) Each person who is a holder of a fermented malt beverage, malt, vinous or spirituous liquor license shall post and keep at all times visible to the public in a conspicuous place on the licensed premises a sign to be provided by the City Clerk's office, which shall be in the following form and content:

WARNING!
THE POLICE DEPARTMENT MUST BE IMMEDIATELY NOTIFIED OF ALL UNLAWFUL
ACTIVITY INCLUDING DISORDERLY CONDUCT OR DISTURBANCES OF THE PEACE WHICH
OCCUR IN THIS LICENSED ESTABLISHMENT.

(d) It shall not be a defense to a charge of violation of this Section that the holder of a fermented malt beverage, malt, vinous or spirituous liquor license was not personally present on the licensed premises at the time of the unlawful activity, but no manager or employee of such license holder not in temporary charge of the licensed establishment at the time to the unlawful activity shall be charged with a violation of this Section.

(e) Any person who violates any provision of this Section, upon conviction thereof, shall be subject to imposition of the general penalty as set forth in Section 1-4-20 of this Code. (Prior code 10-25; Ord. 12-05 §1, 2012)

Sec. 10-2-60. Prohibited possession or consumption of alcoholic beverages in any public place or park.

(a) It shall be a criminal violation of this Code for any person under twenty-one (21) years of age to have in his or her possession ethyl alcohol, in any store, in any public place or area open to the public, including alleys, highways, roads, streets and ways, or inside vehicles while upon alleys, highways, roads, streets and ways.

(b) It shall be a criminal violation of this Code for any person to consume or have in his or her possession any open container of malt, vinous or spirituous liquor in any public place, or area open to the public, including alleys, highways, roads, streets and ways, except on any premises licensed to sell such liquor by the drink or consumption thereon during such hours as the sale of such liquor is permitted.

(c) The terms of Subsection (b) above shall not apply where a permit has been granted pursuant to state law or where a permit to use a City-owned recreation facility has been granted for the purposes of conducting a private party at which guests may attend by invitation only and at which there is not sale of ethyl alcohol, direct or indirect. (Prior code 10-26)

Sec. 10-2-70. Prohibited possession or consumption of ethyl alcohol by underage person on private property.

(a) As used in this Section, unless the context otherwise requires:

Establishment shall mean a business, firm, enterprise, service or fraternal organization, club, institution, entity, group or residence, and any real property, including buildings and improvements, connected therewith.

Private property shall mean any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public, and privately owned real property which is not open to the public. *Private property* shall not include:

- a. Any establishment which has or is required to have a license pursuant to Articles 46, 47 or 48 of Title 12 C.R.S.;
- b. Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold; or
- c. Any establishment which leases, rents or provides accommodations to members of the public generally.

Underage person shall mean any person who is under twenty-one (21) years of age.

(b) Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol on private property anywhere in the City commits illegal possession or consumption of ethyl alcohol by an underage person, which is a criminal violation of this Code.

(c) It shall be an affirmative defense to the offense described in Subsection (b) above that the ethyl alcohol was possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:

(1) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption;

(2) When the existence of ethyl alcohol in a person was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S, or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes, or solely from the ingestion of a beverage which contained less than one-half of one percent (0.5%) of ethyl alcohol by weight; or

(3) The possession or consumption of ethyl alcohol took place for religious purposes protected by the first amendment to the United States Constitution.

(d) Prima facie evidence of a violation of Subsection (b) of this Section shall consist of:

(1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed ethyl alcohol on private property in the City; or

(2) Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the City. (Prior code 10-27)

Sec. 10-2-80. General provisions.

(a) During any trial for a violation of a provision of this Article, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence and the information contained on any label on such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. The finder of fact may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can or other container as containing, but not limited to, "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "bourbon," "rum," "scotch," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol.

(b) Prohibited possession or consumption of ethyl alcohol by an underage person, as defined in this Article, is a strict liability offense. (Prior code 10-28)

Sec. 10-2-90. Loitering; drug-related activities; acts prohibited.

It shall be a violation of this Code for any person to loiter in or on any thoroughfare or place open to the public, including but not limited to streets, sidewalks, parks and plazas, or in or on any public or private place with the intent to engage in drug-related activities defined as offenses in Article 18 of Title 18, C.R.S. No person may be convicted of a violation of this Section unless an overt act in pursuance of drug-related activity is proved to have been done by such individual. (Prior code 10-29)

Sec. 10-2-100. Prohibited participation in gaming; age of participants.

(a) It shall be a criminal violation of this Code for any person under twenty-one (21) years of age to participate, play, place wages or collect winnings, whether personally or through an agent, in or from any limited gaming game or slot machine.

(b) It shall be a criminal violation of this Code for any person to engage in limited gaming with, or to share proceeds from limited gaming with, any person under twenty-one (21) years of age.

(c) It is unlawful for any person under twenty-one (21) years of age to linger in a gaming area of a casino or to be seated at or be present at a gaming table, slot machine or other area in which gaming is conducted.

(d) It shall be unlawful for any parent or guardian to allow a person under twenty-one (21) years of age to linger in a gaming area of a casino or to be seated at or be present at a gaming table, slot machine or other area in which gaming is conducted.

(e) Nothing in this Section shall prevent any person under twenty-one (21) years of age from passing through a casino to nongaming areas.

(f) It is unlawful for any person who is visibly intoxicated to gamble at a slot machine, blackjack table, poker table or any other game inside of a casino after such person was advised by a police officer that he or she is prohibited from gaming due to his or her level of intoxication. (Prior code 10-30)

ARTICLE III

Obstruction of Justice

Sec. 10-3-10. Duty of a citizen to aid police.

It shall be the duty of all persons, when called upon by any police officer or any other member of the Police Department, to promptly aid and assist such officer or member in the discharge of his or her duties. (Prior code 10-52)

Sec. 10-3-20. Use of emergency equipment.

It shall be a violation of this Code for any person to carry or use upon any vehicle other than police or fire department vehicles or emergency vehicles of public utilities or ambulances, or vehicles of volunteer firefighters, any siren, whistle or red light similar to that used on official police or fire department vehicles of the City. (Prior code 10-53)

Sec. 10-3-30. Interference with police.

(a) It shall be a violation of this Code for any person to interfere or attempt to interfere by use of any physical action with any police officer, any member of the Police Department or any person duly empowered with police authority while such officer, member or person duly empowered with police authority is discharging or apparently discharging his or her duties. Interference shall include, but is not limited to, physical actions intended to aid a person who is resisting an arrest or is being arrested.

(b) To assure that animals used in law enforcement activities are protected from harm, a person commits interference with a peace officer when, by using or threatening to use violence, force, physical interference or obstacle, he or she knowingly obstructs, impairs or hinders any such animal. (Prior code 10-54)

Sec. 10-3-40. False reporting.

It shall be a violation of this Code for any person to falsely report a fire or turn in, or cause to be turned in, any false alarm or need for police, ambulance or emergency assistance or aid and abet in the commission of such acts by any means whatsoever. (Prior code 10-55)

Sec. 10-3-50. False reporting to authorities.

(a) It shall be a violation of this Code for any person to knowingly or willfully make or file with the Police Department a false, misleading or unfounded statement or report concerning the commission or alleged commission of a crime.

(b) It shall be a violation of this Code for any person to make a telephone call to the City emergency telephone number when such person makes the call with the intent to obstruct or interfere with the operation of the emergency telephone system or to annoy or harass any person operating the emergency telephone system. (Prior code 10-56)

Sec. 10-3-60. False statement to City personnel.

It shall be a violation of this Code for any person to knowingly make any false statement to any police officer, fireman or other City employee conducting any investigation of a violation of this Code or any rule or regulation of the City, or to display any false identification with intent to mislead such official in the performance of his or her duties. (Prior code 10-57)

Sec. 10-3-70. Impersonating an officer or public servant.

(a) It shall be a violation of this Code for any person other than an official police officer of the City to wear the uniform apparel or any other insignia of office like or similar to, or a colorable imitation of, that adopted and worn by the police officers of the City, or any other law enforcement agency of the State.

(b) It shall be a violation of this Code for any person, other than an official police officer of the City, to represent himself or herself as a police officer of the City and perform an act in that pretended capacity.

(c) It shall be a violation of this Code for any person to falsely pretend to be a public servant other than a peace officer and perform any act in that pretended capacity. It shall be no defense to a prosecution under this Section that the office the actor pretended to hold did not in fact exist. (Prior code 10-58)

Sec. 10-3-80. Resisting arrest.

(a) A person commits resisting arrest if he or she knowingly prevents or attempts to prevent a peace officer, acting under color of law, from effecting an arrest of the actor or another by:

(1) Using or threatening to use physical force or violence against the peace officer or another;
or

(2) Using any other means which creates a substantial risk of causing bodily injury to the peace officer or another.

(b) It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if he or she was acting under color of law, and in attempting to make the arrest he or she was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A peace officer acts *under color of law* when he or she:

(1) Is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by him or her; and

(2) Is in uniform or, if out of uniform, identifies himself or herself by exhibiting his or her credentials as a peace officer to the person whose arrest is attempted.

(c) The term *peace officer* means:

(1) A City police officer, on or off duty, who is in the process of enforcing or attempting to enforce the laws of the State, a section of this Code or any other ordinance of the City within the City limits; or

(2) Any person designated as a peace officer under state law. (Prior code 10-59)

Sec. 10-3-90. Escape.

(a) It shall be a criminal violation of this Code for any person in the custody of a police officer or a person duly empowered with police authority to escape or attempt to escape from such custody.

(b) It shall be a criminal violation of this Code for any person being held in custody or confinement following conviction of an ordinance violation to knowingly escape from said place of custody or confinement. (Prior code 10-60)

Sec. 10-3-100. Report by physician of injured persons.

It shall be a violation of this Code for any physician or surgeon practicing within the City, who attends or has under his or her charge or care any patient or other person suffering from any gunshot wound inflicted or caused by his or her own act, or by the act of another, to fail to report forthwith to the Police Department the name of such patient or other person and all facts appertaining to such case within the knowledge of such physician or surgeon. (Prior code 10-61)

Sec. 10-3-110. Violation of court order.

(a) It shall be a violation of this Code for any person to commit an act which is prohibited by any court pursuant to a valid order issued as part of the proceedings concerning a municipal ordinance violation, or for such person to fail to perform any act mandated by such an order, after such person has been personally served with any such order or otherwise acquired from the court actual knowledge of the contents of any such order.

(b) Any sentence imposed for violation of Subsection (a) above shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the order.

(c) Nothing in this Section shall be construed to alter or diminish the inherent authority of the Municipal Court to enforce its orders through civil or criminal contempt proceedings.

(d) No person charged with a violation of an order pursuant to this Section shall be permitted, in the action resulting from such charges, to collaterally attack the validity of the order which such person is accused of violating. (Prior code 10-62)

Sec. 10-3-120. Accessory to ordinance violation.

It shall be a violation of this Code for any person to be an accessory to an ordinance violation. A person is an accessory to an ordinance violation if, with intent to hinder, delay or prevent the discovery, detection, apprehension, prosecution, conviction or punishment of another for the

commission of an ordinance violation, that person renders assistance to such other person. For the purposes of this Section, *render assistance* means to:

- (1) Harbor or conceal such person;
- (2) Warn such other person of impending discovery or apprehension; except that this does not apply to a warning given in an effort to bring such other person into compliance with the law;
- (3) Provide such other person with money, transportation, weapon, disguise or other thing to be used in avoiding discovery or apprehension;
- (4) By force, intimidation or deception, obstruct anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such other person; or
- (5) Conceal, destroy or alter, or assist in concealing, destroying or altering, any physical evidence that might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such other person. (Prior code 10-63)

Sec. 10-3-130. Obstructing municipal government operations.

(a) It shall be a violation of this Code for any person to obstruct municipal government operations. A person commits obstructing municipal government operations if that person intentionally obstructs, impairs or hinders the performance of a municipal governmental function by a City employee by using or threatening to use violence, force or physical interference or obstacle.

(b) It shall be an affirmative defense that:

- (1) The obstruction, impairment or hindrance was of an unlawful action by a public servant;
- (2) The obstruction, impairment or hindrance was of the making of an arrest; or
- (3) The obstruction, impairment or hindrance of governmental function was by lawful activities in connection with a labor dispute with the government. (Prior code 10-64)

ARTICLE IV

Offenses Against Persons

Sec. 10-4-10. Assault.

It shall be a criminal violation of this Code for any person to knowingly or recklessly cause bodily injury to another person. (Prior code 10-81)

Sec. 10-4-20. Reckless endangerment.

It shall be a criminal violation of this Code to recklessly engage in conduct which creates a substantial risk of serious bodily injury to another person. (Prior code 10-82)

Sec. 10-4-30. False imprisonment.

It shall be a criminal violation of this Code to intentionally confine or detain another without the other's consent and without proper legal authority. This Section shall not apply to a peace officer acting in good faith within the scope of his or her duties. (Prior code 10-83)

Sec. 10-4-40. Menacing.

A person commits the criminal violation of menacing if, by any threat or physical action, that person knowingly places or attempts to place another person in fear of imminent serious bodily injury. (Prior code 10-84)

ARTICLE V

Offenses Against Property

Sec. 10-5-10. Trespass.

(a) It shall be a criminal violation of this Code to commit trespass in the City. *Private property* within this Section shall include private property where the public is a business invitee. A person commits trespass if that person:

(1) Enters upon or refuses to leave any private property of another where such property has been posted with "NO TRESPASS" signs, which are visible to persons entering upon the private property or have been posted at reasonable intervals along the property boundary.

(2) Enters upon or refuses to leave any private property of another when immediately prior to such entry or refusal to leave, oral or written notice is given by the owner, a police officer or fireman acting in the course of his or her employment, or person responsible for the care of the property that such entry or continued presence is prohibited.

(3) Enters upon or refuses to leave any public place after being ordered to do so by any police officer or fireman acting in the course of his or her employment and duties.

(4) Enters upon or refuses to leave the property of any parochial school, private school or public school district where such property is used for the education of persons, after being told not to enter, or to leave, by the principal, teacher, staff member or by any person entrusted with the authority to maintain and supervise the property.

(5) Enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced.

(6) Without being licensed, invited by a person with authority or otherwise privileged, enters or remains in or upon premises of another.

(7) Enters or remains in or upon the building, property or premises of any parochial school, private or public school where such property or premises has been posted with "NO TRESPASSING" signs at the public entries to the building, property or premises and such a

person is not a student enrolled in that school, an employee of the school district or a parent or custodian of a student enrolled in that school. For the purposes of this Subsection, the term *student* shall not include any person who is enrolled in the school, but is suspended, expelled or otherwise prohibited from attending classes on the date and time of the alleged violation.

(8) Enters or remains upon any private property or any building or property of any commercial establishment after such person has been given notice, in writing, signed by the owner or other person with authority to control access, that such person is prohibited from returning to such property or commercial establishment.

(9) Knowingly and unlawfully enters or remains in a motor vehicle of another.

It shall be an affirmative defense to charges under Paragraphs (1) through (5) and (7) above that the defendant is licensed, invited by a person with authority or otherwise privileged to so enter, remain or refuse to leave.

(b) As used in this Section, the term *premises* means real property, buildings and other improvements thereon, and the stream banks and beds of any nonnavigable freshwater streams flowing through such real property. (Prior code 10-101)

Sec. 10-5-20. Injury to property.

It shall be a criminal violation of this Code for any person to knowingly or recklessly damage the real or personal property owned by another, in whole or in part, where the damage to the property is less than five hundred dollars (\$500.00). (Prior code 10-102)

Sec. 10-5-30. Injury or removal of signs.

It shall be a violation of this Code for any person without proper authorization to remove, deface, injure or destroy any street sign or traffic control or warning sign or device erected or placed in or adjacent to any street. (Prior code 10-103)

Sec. 10-5-40. Placing signs without permission.

It shall be a violation of this Code for any person to place or maintain, or cause to be placed or maintained, without lawful permission upon any property of the City any sign, picture, transparency, advertisement or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business or profession or anything that is to be or has been sold, bartered or given away. (Prior code 10-104)

Sec. 10-5-50. Theft; defrauding a public establishment; theft of rental property.

(a) A person commits the criminal violation of theft when that person knowingly obtains or exercises control over anything having of value less than five hundred dollars (\$500.00) of another without authorization, or by threat or deception and:

(1) Intends to deprive the other person permanently of the use or benefit of the thing of value;

(2) Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;

(3) Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use or benefit; or

(4) Demands any consideration to which that person is not legally entitled as a condition of restoring the thing of value to the other person.

(b) It shall be a criminal violation of this Code to knowingly transfer a label or other designation of price from one (1) item to another or alter the same with intent to purchase such item at a lesser cost.

(c) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on that person's own body, clothing or otherwise and whether on or off the premises of said store or mercantile establishment, such concealment shall constitute prima facie evidence that the person intended to commit the crime of theft.

(d) It shall be a criminal violation of this Code to procure food or accommodations with the intent to defraud any public establishment without making payment therefor in accordance with his or her agreement with such public establishment where the total amount due under such agreement is five hundred dollars (\$500.00) or less. For the purposes of this Subsection, the following words have the following meanings:

Agreement with such public establishment means any written or verbal agreement as to the price to be charged for, and the acceptance of, food, beverage, service or accommodations where the price to be charged therefor is printed on a menu or schedule of rates shown to or made available by a public establishment to the patron and includes the acceptance of such food, beverage, service or accommodations for which a reasonable charge is made.

Public establishment means any establishment selling or offering for sale prepared food or beverages to the public generally, or any establishment leasing or renting overnight sleeping accommodations to the public generally, including, but not exclusively, restaurants, cafes, dining rooms, lunch counters, coffee shops, boarding houses, hotels, motor hotels, motels and rooming houses, unless the rental thereof is on a month-to-month basis or a longer period of time.

(e) It shall be a criminal violation of this Code to either:

(1) Obtain the temporary use of personal property of another, which is available for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property; or

(2) Having lawfully obtained possession for temporary use of the personal property of another which is available for hire, knowingly fail to reveal the whereabouts of or to return said property to the owner thereof or the owner's representative, or to the person from whom the individual has received it within seventy-two (72) hours after the time at which that individual agreed to return it, where the value of the thing involved is less than five hundred dollars (\$500.00).

(f) For the purpose of this Section, the terms *anything having value*, *anything of value* and *thing of value* shall include, but not be limited to, the following:

(1) Any tangible or intangible thing, including property, which has value or may be exchanged for monetary consideration;

(2) Any services for which a person would reasonably expect to provide monetary compensation; or

(3) Any compensation to which a person is entitled for services provided.

For the purposes of this Subsection, the term *services* shall not include the provision of shelter or housing for any term whatsoever.

(g) Evidence of value.

(1) For purposes of this Section, when theft occurs from a store, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to prove retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags and notices.

(2) For the purposes of this Section, in all cases where theft occurs, evidence of the value of the thing involved may be established through the sale price of other similar property and may include, but shall not be limited to, testimony regarding affixed labels and tags, signs, shelf tags and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved. (Prior code 10-105)

Sec. 10-5-60. Motor vehicle theft.

(a) As used in this Section, unless the context otherwise requires, *motor vehicle* means all vehicles of whatever description propelled by any power other than muscular, except vehicles running on rails.

(b) It shall be a criminal violation of this Code to commit motor vehicle theft. A person commits motor vehicle theft if he or she knowingly obtains or exercises control over a motor vehicle of another without authorization or by threat or deception and if none of the aggravating factors or other circumstances listed in Section 18-4-409, C.R.S., that would otherwise classify the offense as a felony are present. (Prior code 10-106)

Sec. 10-5-70. Fraud by check; definitions; penalties.

(a) As used in this Section, unless the context otherwise requires:

Check means a written, unconditional order to pay a certain sum in money, drawn on a bank, payable on demand and signed by the drawer; *check*, for the purposes of this Section only, also includes a negotiable order of withdrawal and a share draft.

Drawee means the bank upon which a check is drawn or a bank savings and loan association, industrial bank or credit union on which a negotiable order of withdrawal or a share draft is drawn.

Drawer means a person, either real or fictitious, whose name appears on a check as the primary obligor, whether the actual signature is that of himself or herself or of a person authorized to draw the check on himself or herself.

Insufficient funds means a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account, negotiable order of withdrawal account or share draft account with the drawee or has funds in such an account with the drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance; and a check dishonored for *no account* shall also be deemed to be dishonored for *insufficient funds*.

Issue. A person issues a check when he or she makes, draws, delivers or passes it or causes it to be made, drawn, delivered or passed.

Negotiable order of withdrawal and *share draft* mean negotiable or transferable instruments drawn on a negotiable order of withdrawal account or a share draft account, as the case may be, for the purpose of making payments to third persons or otherwise.

Negotiable order of withdrawal account means an account in a bank, savings and loan association or industrial bank, and *share draft account* means an account in a credit union, on which payment of interest or dividends may be made on a deposit with respect to which the bank, savings and loan association or industrial bank or the credit union, as the case may be, may require the depositor to give notice of an intended withdrawal not less than thirty (30) days before the withdrawal is made, even though in practice such notice is not required and the depositor is allowed to make withdrawal by negotiable order of withdrawal or share draft.

(b) It shall be a criminal violation of this Code to commit fraud by check. Any person, knowing that he or she has insufficient funds with the drawee, who, with intent to defraud, issues a check in an amount less than five hundred dollars (\$500.00) for the payment of goods, services, wages, salaries, commissions, labor, rent, money, property or other thing of value, commits fraud by check.

(c) Any person who opens a checking account, negotiable order of withdrawal account or share draft account using false identification or an assumed name for the purpose of issuing fraudulent checks commits a violation of this Subsection.

(d) If deferred prosecution, judgment or probation is ordered, the court as a condition of supervision may require the defendant to make restitution on all checks issued by the defendant which are unpaid as of the date of commencement of the supervision, in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.

(e) This Section does not relieve the prosecution from the necessity of establishing the required culpable mental state. However, for purposes of this Section, the issuer's knowledge of insufficient funds is presumed, except in the case of a postdated check or order, if:

(1) He or she has no account upon which the check or order is drawn with the bank or other drawee at the time he or she issues the check or order; or

(2) He or she has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue. (Prior code 10-107)

Sec. 10-5-80. Issuance of bad check.

(a) In adopting this Section, the City Council declares as a matter of policy that the issuance and delivery of a known bad check by any person is, in itself, not only harmful to the person to whom it is given, but is also injurious to the community at large and is, therefore, a proper subject for criminal sanction without regard to the purpose for which the check was given.

(b) *Insufficient funds* means not having a sufficient balance in account with a bank or other drawee for the payment of a check or order when presented for payment within thirty (30) days after issue.

(c) Except as provided in Section 18-5-205(3)(c), C.R.S., a person commits a criminal violation of this Code if he or she issues or passes a check or similar sight order for the payment of money, knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders outstanding at the time of issuance.

(d) This Section does not relieve the prosecution from the necessity of establishing the required knowledge by evidence; however, for the purposes of this Section, the issuer's knowledge of insufficient funds is presumed, except in the case of a postpaid check or order, if:

(1) He or she has no account with the bank or other drawee at the time he or she issues the check or order; or

(2) He or she has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue.

(e) A bank shall not be civilly or criminally liable for releasing information relating to the issuer's account to a sheriff, deputy sheriff, undersheriff, police officer, district or city attorney, assistant district or city attorney, deputy district or city attorney, or authorized investigator for a district or city attorney investigating or prosecuting a charge under this Section. (Prior code 10-108)

Sec. 10-5-90. Altering identification number; possession of article with altered number.

(a) A person commits the criminal violation of altering an identification number if, with intent that identification of an article be hindered or prevented, he or she obscures an identification number or, in the course of business, he or she sells, offers for sale, leases or otherwise disposes of an article knowing that an identification number thereon is obscured.

(b) *Identification number* means a serial or motor number placed by the manufacturer upon an article as a permanent individual identifying mark.

(c) *Obscure* means to destroy, remove, alter, conceal or deface so as to render illegible by ordinary means of inspection.

(d) Possession of an article on which an identification number is obscured is prima facie evidence that the person possessing it obscured the number with intent to hinder or prevent identification of the article and that he or she knows that the identification number is obscured unless,

prior to his or her arrest or the issuance of a warrant for a search of the premises where the article is kept, whichever is earlier, he or she reports possession of the article to the police or other appropriate law enforcement agency. (Prior code 10-109)

Sec. 10-5-100. Theft by receiving.

It shall be a criminal violation of this Code to commit theft by receiving. A person commits theft by receiving when he or she receives, retains, loans money by pawn or pledge on, or disposes of anything of value of another, knowing or believing that said thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value, where the value of the thing involved is less than five hundred dollars (\$500.00). (Prior code 10-110)

Sec. 10-5-110. Tampering and unauthorized connection.

(a) Any person who connects any pipe, tube, stopcock, wire, cord, socket, motor or other instrument or contrivance with any main, service pipe or other medium conducting or supplying gas, water or electricity to any building without the knowledge and consent of the person supplying such gas, water or electricity commits tampering and unauthorized connection, which is a violation of this Code.

(b) Any person who in any manner alters, obstructs or interferes with any meter pit, meter or metering device provided for measuring or registering the quantity of gas, water or electricity passing through said meter without the knowledge and consent of the person owning said meter commits tampering and unauthorized connection, which is a violation of this Code.

(c) A person who tampers with property of another with intent to cause injury, inconvenience or annoyance to that person or to another, or if he or she knowingly makes unauthorized connection with property of a utility, commits tampering and unauthorized connection, which is a violation of this Code.

(d) Nothing in this Section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards. (Prior code 10-111)

Sec. 10-5-120. Fire bans.

(a) The Fire Chief is enabled to officially enact fire bans, because of conditions of high fire danger conditions within the City and the County. During the period the fire ban is in effect, the following activities shall be prohibited:

(1) Building, maintaining attending or using any open fire, this includes, but not limited to campfires, bon fires, slash fires or burning of any materials, including charcoal grills, at any location within Central City while a fire ban is in effect.

EXCEPTION: A propane gas grill (as long as the grill has a UL Listing with a safety shut-off) at a residence, or used in a safe and prudent manner in a safe unvegetated area.

(2) Smoking, except within an enclosed vehicle or building, a developed site or while stopped in an area of at least three feet in diameter that is barren or cleared of all combustible material.

(b) The Fire Department, Police Department and other City officials shall actively enforce the ban against open fires. Any person who maintains or allows an open fire shall be deemed to be guilty of a misdemeanor and fined up to the maximum fine authorized by Section 1-4-20 of this Code.

(c) This fire ban may be lifted or reimposed by the Fire Chief as circumstances or changed conditions warrant, if doing so does not interfere with any higher state or federal imposed fire ban. (Prior code 10-112; Ord. 13-08 §7, 2013)

ARTICLE VI

Offenses Against Public Peace

Sec. 10-6-10. Obstructing public ways prohibited; waiver.

It shall be a violation of this Code for any person to place in or upon any public sidewalk, street, alley or highway any sign, advertisement or any article of merchandise offered, exhibited or advertised for sale or any other thing tending to interfere, obstruct or encroach upon the use of such public sidewalk, street, alley or highway or which renders the same less commodious or convenient for public use, except for public safety or as otherwise provided by this Code. (Prior code 10-131)

Sec. 10-6-20. Unlawful conduct on public property.

(a) It shall be a violation of this Code for any person to enter or remain in any public building or on any public property or to conduct himself or herself in or on them in violation of any order, rule or regulation concerning any matter prescribed in this Section, limiting or prohibiting the use, activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management or supervision of the building or property. In addition to any authority granted by any other law, each such officer or agency may adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of such public buildings and property, specifically, orders, rules and regulations upon the following matters:

(1) Preservation of property, vegetation, wildlife, signs, markers, statues, buildings, grounds and other structures, and any object of scientific, historical or scenic interest.

(2) Restriction or limitation of the use of such public buildings or property as to time, manner or permitted activities.

(3) Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance.

(4) Camping and picnicking, public meetings and assemblages and other individual or group usages, including the place, time and manner in which such activities may be permitted.

(5) Use of all vehicles as to place, time and manner of use.

(6) Control and limitations of fires and designation of places where fires are permitted.

(b) No conviction may be obtained under this Section unless notice of such limitations or prohibitions is prominently posted at all public entrances to such building or property or unless such notice is actually first given the person by the office or agency, including any agent thereof, or by any law enforcement officer having jurisdiction or authority to enforce this Section.

(c) Any person who violates this Section is guilty of unlawful conduct on public property. (Prior code 10-132)

Sec. 10-6-30. Public buildings; trespass; interference.

(a) No person shall so conduct himself or herself at or in any public building owned, operated or controlled by the City as to willfully deny to any public official, public employee or invitee on such premises the lawful rights of such official, employee or invitee to enter, to use the facilities of or to leave any such public building.

(b) No person shall, at or in any public building, willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof.

(c) No person shall willfully refuse or fail to leave any such public building upon being requested to do so by the chief administrative officer charged with maintaining order in such public building if the person has committed, is committing, threatens to commit or incites others to commit any act which did, or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in the public building.

(d) No person shall, at any meeting or session conducted by any judicial, legislative or administrative body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting the meeting or session or by any act designed to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties at such meeting or session.

(e) No person shall, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such body or official.

(f) The term *public building*, as used in this Section, includes any premises being temporarily used by a public officer or employee in the discharge of his or her official duties.

(g) Any person who violates any of the provisions of this Section commits a violation of this Code. (Prior code 10-133)

Sec. 10-6-40. Unnecessary noise; prima facie evidence; disturbing the peace.

(a) It shall be unlawful for any person to make, continue, cause to be made or continue or assist another to make any unreasonable and/or excessive noise in a public place or near a private residence

that a person has no right to occupy, which, under all of the circumstances presented, would cause a person of ordinary sensitivities significant annoyance and irritation. The following noises and circumstances shall be deemed as prima facie unreasonable in the context of the above standards:

(1) Commercial and gaming districts. Within any commercial or gaming zoning district of the City, the use or operation of any loudspeaker, public address system or other electrically amplified sound equipment within a building or outside of a building if the sound resulting from such operation is clearly audible from the property boundary or from any public street or right-of-way, unless the use of or operation of the loudspeaker, public address system or other electrically amplified sound equipment is within the Historic Downtown Gaming (HDG) or the Gregory Gulch Gaming (GGG) Zoning Districts of the City and the use of such equipment has been permitted by the City in accordance with Section 16-7-320 of this Code.

(2) Schools and hospitals. Any noise generated from the operation of any instrument, machine or vehicle within one hundred fifty (150) feet of any hospital or other institution reserved for the sick or any school or institution of learning which interferes with the workings of such institution, provided that conspicuous signs are displayed indicating the presence of a school or hospital.

(b) For the purposes of this Section, a determination as to whether noise is unreasonable and/or excessive shall be based upon whether a reasonable person, taking into account all attendant circumstances, including but not limited to the time of day, volume and intensity, whether the noise is recurrent, intermittent or constant, whether noise has been enhanced in volume or range by any type of mechanical means, location and traffic in the area, would consider the noise to be unreasonable and/or excessive.

(c) Acts of another. It shall be a violation of this Code to permit another to commit an act of unnecessary noise as hereinabove described in or upon any premises owned, possessed or under his or her management or control when it is in his or her power to prevent such an act.

(d) The provisions of this Section shall be subject to any terms and conditions imposed upon any special event permit obtained from the City in accordance with Chapter 11 of Article VII of this Code.

(e) It shall be unlawful for any person to disturb or tend to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, by loud or unusual noises or by unseemly profane, obscene or offensive language; or for any person to permit any such conduct in any house or upon any premises owned, possessed, managed or controlled by such person so that others in the vicinity are or may be disturbed.

(f) It shall be an affirmative defense to a charge of violation this Section that:

(1) The sound was made by an authorized emergency vehicle acting under the color of its authority;

(2) The sound is an emergency warning device operated by a government;

(3) The sound was made by the sounding of a horn on any vehicle as a danger warning signal or as authorized by law;

(4) The sound was made within the terms of a permit issued by the City Manager;

(5) The sound was made by a police or fire alarm device if the device shuts off automatically after no longer than ten (10) minutes, or by an alarm system installed in a motor vehicle if the car alarm shuts off automatically after no longer than five (5) minutes; or

(6) The sound was made between the hours of 7:00 a.m. and 7:00 p.m. by construction or gardening equipment. (Prior code 10-134; Ord. 12-07 §1, 2012)

Sec. 10-6-50. Disorderly conduct.

It shall be a criminal violation of this Code to engage in disorderly conduct in the City. A person commits disorderly conduct if that person knowingly:

(1) Addresses abusive language or threats to any person present which creates a clear and present danger of violence.

(2) Fights with another in a public place.

(3) Without authorization alters or befoils public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(4) Causes or is likely to cause harm or a serious inconvenience by failure to obey a lawful order or command by a police officer, firefighter, marshal or detention officer employed by the Police Department, acting under the color of official authority. A police officer, firefighter, marshal or detention officer acts *under color of official authority* when, in the regular course of assigned duties, he or she is called upon to make and does make a judgment in good faith based upon the surrounding facts and circumstances that an order or command should be given. (Prior code 10-136)

Sec. 10-6-60. Harassment.

It shall be a criminal violation of this Code to commit harassment. A person commits harassment if, with intent to harass, threaten or abuse another person, that person:

(1) Strikes, shoves, kicks or otherwise touches a person or directly or indirectly subjects him or her to harmful, painful or offensive contact;

(2) In a public place directs obscene language or makes an obscene gesture to or at another person;

(3) Follows a person in or about a public place;

(4) Initiates communication with a person, anonymously or otherwise, by telephone, in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request, suggestion or proposal by telephone which is obscene;

(5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;

(6) Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response; or

(7) Delivers or causes delivery of written, printed or graphic material or any object that in fact harasses another person or threatens bodily injury or property damage to or against another person.

As used in this Section, unless the context otherwise requires, *obscene* means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions. Any act prohibited by Paragraph (5) above may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received. (Prior code 10-137)

Sec. 10-6-70. Throwing of stones or missiles.

It shall be a violation of this Code to throw or shoot any stone, snowball or other missile at or upon any person, animal, building, structure or vehicle in such a manner as is likely to cause injury or damage. (Prior code 10-138)

Sec. 10-6-80. Sale or use of fireworks.

(a) It shall be a violation of this Code for any person to cast, throw or fire any squib, rocket, cracker, torpedo, grenade or other combustible fireworks of any kind in the City.

(b) It shall be a violation of this Code to exhibit, or have in one's possession with intent to give away or sell or offer for sale within the City, any squib, rocket, cracker, torpedo, grenade or other combustible fireworks of any kind; provided, however, that this Section shall not apply to the sale of any such article or articles by wholesalers to each other or to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City, or to the sale by wholesalers for public demonstrations as hereinafter provided.

(c) Nothing in this Section shall be construed to prevent any public demonstration or display of fireworks of any kind if conducted under proper Fire Department supervision after application made and permit issued by the City for such demonstration or display, which shall be of such a character and so located, discharged or fired, as in the opinion of the City shall not be hazardous to property or endanger any persons.

(d) Nothing in this Section shall be construed to prohibit the sale, storage or use within the City of safety flares, cap guns, cap pistols or cap revolvers, or fireworks of a nonexplosive type, such as sparklers, fountains, pinwheels and other similar fireworks. (Prior code 10-139)

Sec. 10-6-90. Abandoned containers.

It shall be a violation of this Code for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or

other structure under his or her control or in any place accessible to children, any abandoned, unattended or discarded container which has an airtight door or lid, snaplock or other locking device, which may not be released from the inside, without first removing such door or lid, snaplock or other locking device from the container. (Prior code 10-140)

Sec. 10-6-100. Construction activities; hours of operation.

(a) Construction hours are between 7:00 a.m. and 7:00 p.m. Any construction that occurs between the hours of 7:00 p.m. and 7:00 a.m. is declared unnecessary noise and is in violation of this Section.

(b) Nothing in this Section shall preclude the City from issuing a special permit allowing construction to occur between the hours of 7:00 p.m. and 7:00 a.m. Such special permit shall be signed by the City Manager, and such special permit shall be produced upon demand. Failure to produce such permit on demand is a separate violation of this Section. However, said special permit shall be reviewed on a case-by-case basis, for which the City may grant, grant with conditions or deny for cause or for no cause. (Prior code 10-141)

Sec. 10-6-110. Panhandling.

(a) Definitions. For the purpose of this Section:

Aggressive panhandling shall mean:

- a. Continuing to solicit from a person after the person has given a negative response to such soliciting;
- b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- d. Using violent or threatening gestures toward a person solicited;
- e. Persisting in closely following or approaching the person being solicited, with the intent of asking that person for money or other things of value, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any thing of value to the solicitor;
- f. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
- g. Soliciting money from anyone who is waiting in line for tickets, for entry to a building or for another purpose; or
- h. Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words or gestures intended or likely to cause a

reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.

Public place shall mean a place to which the public or a substantial group of persons has access, including but not limited to any street, sidewalk, parkway, parking lot, parking structure, plaza, transportation facility, school, place of amusement, park or playground.

Soliciting and *panhandling*, for purposes of this Section, are interchangeable and mean any solicitation made in person, requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this Chapter. *Panhandling* does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

(b) Prohibited acts.

(1) No person shall engage in aggressive panhandling in any public place.

(2) No person shall panhandle on private or residential property after having been asked to leave or refrain from panhandling by the owner or other person lawfully in possession of such property.

(3) No person shall panhandle in any public transportation vehicle, within twenty (20) feet of any bus stop or in any parking lot or structure.

(4) No person shall panhandle within six (6) feet of an entrance to a building.

(5) No person shall panhandle within twenty (20) feet of any pay telephone, provided that, when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

(6) No person shall solicit or panhandle after dark, which shall mean one-half (½) hour after sunset until one-half (½) hour before sunrise.

(7) No person shall solicit or panhandle within twenty (20) feet of any outdoor patio where food or drink are served. (Prior code 10-142)

ARTICLE VII

Offenses Relating to Morals

Sec. 10-7-10. Prostitution.

(a) Definitions. As used in this Article, the following definitions shall apply:

Anal intercourse means contact between human beings of the genital organs of one and the anus of another.

Anilingus means any act of oral stimulation of the anus.

Cunnilingus means any act of oral stimulation of the vulva or clitoris.

Fellatio means any act of oral stimulation of the penis.

Masturbation means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.

Sexual intercourse means real or simulated intercourse, whether genital-genital, oral-genital, anal-genital or oral-anal, between human beings of the opposite or same sex, or with an artificial genital organ.

(b) Prohibited. Prostitution in the City is prohibited. Any person who performs or offers or agrees to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or anilingus with another person being not his or her spouse in exchange for money or other thing of value commits prostitution, which is a criminal violation of this Code.

(c) Soliciting prohibited. Soliciting for prostitution in the City is prohibited. A person commits the criminal violation of soliciting for prostitution if he or she:

(1) Purchases or offers to purchase from another person being not his or her spouse, for money or other thing of value, the act of sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or anilingus;

(2) By word, gesture or action endeavors or arranges to further the practice of prostitution or to obtain the services of a prostitute;

(3) Arranges or offers to arrange a meeting of persons for the purposes of prostitution; or

(4) Directs another to a place knowing such direction is for purposes of prostitution.

(d) Patronizing a prostitute in the City is prohibited. Any person who enters or remains in a place of prostitution with the intent to engage in prostitution commits the criminal violation of patronizing a prostitute.

(e) Confiscation of monies used in prostitution, soliciting and patronizing. In addition to any fines or costs that the court may impose, a conviction or plea of guilty or no contest to a violation of this Section shall result in forfeiture to the Police Department of any monies used in the commission, solicitation or patronization of prostitution. (Prior code 10-161)

Sec. 10-7-20. Lewd or indecent act.

(a) The commission of a lewd or indecent act in the City is prohibited. The performance by any person of any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public shall be the commission of a lewd or indecent act, which is a criminal violation of this Code:

(1) Sexual intercourse;

- (2) Deviate sexual intercourse;
- (3) Lewd exposure of the body, done with the intent to arouse or to satisfy the sexual desire of any person;
- (4) Lewd fondling or caressing of the body of another person;
- (5) Intentional exposure of genitals to the view of any person under circumstance in which such conduct is likely to cause affront or alarm to the other person;
- (6) Aiding, abetting, suffering or permitting to suffer the doing of any of the above-described acts; or
- (7) Knowingly takes a photograph of another person's intimate parts without the victim's consent in a situation where the victim has a reasonable expectation of privacy.

(b) As used in this Section, unless the context otherwise requires:

Deviate sexual intercourse means any act of sexual conduct involving contact of the genitals of a person and the mouth or anus of another person or an animal.

Intimate parts means the external genitalia or the perineum, anus or buttocks or the pubes or the breast of any person.

Photograph is defined as both film and electronic imaging, whether still or motion pictures. (Prior code 10-162)

Sec. 10-7-30. Nudity in commercial establishments.

(a) Definition. *Service to patrons* means the provision or allowance of services, advertisement or entertainment to the public, patrons, guests, invitees or paying customers, including hostessing, bartending, food or beverage serving or preparing, table setting or clearing, waitering or waitressing, singing, dancing, massage, counseling, and beauty or figure contests, modeling or exhibitions.

(b) It shall be a violation of this Code for any person to knowingly provide service to patrons without fully opaque clothing covering, so as not to expose to the view of the public, patrons, guests, invitees or paying customers, human male or female genitals, pubic hair, anal region or post-pubertal female breast below the top of the areola.

(c) It shall be a violation of this Code for any person, as the owner, lessor, lessee or as the party having control, custody or supervision of any commercial business, establishment, tavern, store, shop, massage parlor or other place of public accommodation, commerce or amusement, to use or promote the use of, or permit or tolerate others to use or promote the use of, such premises in violation of Subsection (b) above, or, if given or having actual notice of such violation, negligently fail or refuse to cease or stop such violation, or to cause an agent, employee or other subordinate to cease or stop such violation, or to notify a law enforcement agency of such violation. (Prior code 10-163)

Sec. 10-7-40. Urination.

It shall be a violation of this Code for any person to urinate or defecate upon the walls, floors, stairs or any other portion of any public building or on any street, alley, sidewalk, park, parkway or other public place within the City, other than a toilet facility provided for such purpose. (Prior code 10-164)

ARTICLE VIII

Weapons

Sec. 10-8-10. Definitions.

As used in this Article, unless the context otherwise requires:

Blackjack includes any billy, sand club, sandbag or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or shaft which increases the force of impact.

Blowgun means any tube designed to be used or which is used to impel a dart or other projectile by the force of breath.

Dangerous weapon means any of the following, which in the manner it is used or intended to be used is capable of producing bodily injury:

- a. A firearm, whether loaded or unloaded.
- b. A knife.
- c. A bludgeon.
- d. Any other weapon, device, instrument, material or substance, whether animate or inanimate.

Firearm means any handgun, semiautomatic, revolver, pistol, rifle, shotgun or other instrument or device capable or intended to be capable of discharging shot, bullets, cartridges or other explosive charges.

Gas gun means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

Gravity knife means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, that, when released, is locked in place by means of a button, spring, lever or other device.

Illegal weapon means:

a. A blackjack, gas gun, metallic knuckles, gravity knife or switchblade knife.

b. Any instrument or device which an individual of reasonable caution and mentality would not ascertain upon viewing is, in fact, designed to be used or capable of being used as a weapon.

c. In recognition of the limited jurisdiction of the Municipal Court, an *illegal weapon* shall not include a firearm silencer, machine gun, short shotgun, short rifle, ballistic knife or such other weapon, the possession of which is declared to be a felony under state or federal law.

Juvenile means any person who has not attained eighteen (18) years of age.

Knife means any dagger, dirk, knife or stiletto with a blade over three and one-half (3½) inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife which was being carried for sports use at the time of the alleged violation must be raised as an affirmative defense.

Nunchaku is an instrument consisting of two (2) or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of self-defense, such as karate.

Restricted ammunition means any caliber projectile which is coated or treated with Teflon or similar type synthetic chemical compound. This definition includes projectiles commonly known as the KTW bullets.

Switchblade knife means any knife, the blade of which opens automatically by hand pressure applied to a button, spring or other device in its handle.

Throwing stars means any flat, metallic object, formed in the shape of a star, including extended and divided stars, with each point sharpened and to be projected or thrown through the air by the application of physical force by the possessor. *Throwing stars* are also known as Japanese or Korean stars, senbangs or shurikens. (Prior code 10-181)

Sec. 10-8-20. Unlawful sales.

It shall be a criminal violation of this Code for any person to sell, loan or furnish any firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor. Such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the City to such person. (Prior code 10-182)

Sec. 10-8-30. Unlawful display by dealers.

It shall be a violation of this Code for any dealer or pawnbroker or any other person engaged in the sale, rental or exchange of any weapons to display or place on exhibition in any show window or other window facing upon any street of the City, any pistol, revolver or other firearm with a barrel less than twelve (12) inches in length, or any illegal weapon. (Prior code 10-183)

Sec. 10-8-40. Unlawful concealment and display.

(a) Concealment. It shall be a criminal violation of this Code for any person to wear under his or her clothes or carry concealed on or about his or her person any illegal or dangerous weapon including, but not by way of limitation, any firearm, slingshot, razor, dirk, dagger or any knife, nunchaku, throwing stars or any illegal or dangerous weapon.

(b) Affirmative defenses. It shall be an affirmative defense to charges brought under Subsection (a) above that the weapon was not an illegal weapon and was at the time of the violation carried by a person:

(1) In a private automobile or other private means of conveyance for lawful protection of that person or another's person or property while traveling;

(2) In his or her own dwelling or place of business or on property owned or under his or her control at the time of the alleged violation; or

(3) Who at the time of the alleged violation had a written permit to carry the involved weapon, which permit was issued pursuant to the state statutes by the Chief of Police of a city, or city and county, or the sheriff of a county.

(c) Display. It shall be a criminal violation of this Code for any person to knowingly, recklessly or negligently display, flourish or brandish any illegal or dangerous weapon including, but not limited to, those enunciated in Subsection (a) above in such manner as to reasonably cause fear of bodily injury to another person. (Prior code 10-184)

Sec. 10-8-50. Possessing an illegal weapon.

(a) It shall be a criminal violation of this Code to knowingly possess an illegal weapon as defined in this Code.

(b) It shall be an affirmative defense to the charge of possessing an illegal weapon under this Section that the person so accused was an otherwise lawful dealer possessing the alleged illegal weapon only for sale to peace officers, members of the Armed Forces of the United States or Colorado National Guard for authorized use in the lawful discharge of their duties. (Prior code 10-185)

Sec. 10-8-60. Discharge within City prohibited; exceptions; range rules.

It shall be a criminal violation of this Code for any person to fire, shoot or discharge any firearm, crossbow, bow and arrow, slingshot, blowgun, BB gun or pellet gun (whether powered with gunpowder, compressed air or gas cartridges), gas gun or any weapon whatsoever within the City limits; provided that such discharge, firing or shooting by any law enforcement officer, federal, state, county or city, in the course of his or her official duty, shall not be deemed a violation hereof; provided further that such discharge, firing or shooting at commercial, private or public shooting ranges or by authorized classes of schools or universities at all times under proper instruction and supervision as may be authorized or permitted by law shall not be deemed a violation hereof; provided further that such discharge, firing or shooting without live ammunition at a show,

performance, display or event which, along with all participants, has been previously licensed and approved by the Chief of Police, shall not be deemed a violation hereof. (Prior code 10-186)

Sec. 10-8-70. Possession of a defaced weapon.

It shall be a criminal violation of this Code for any person to knowingly possess a firearm, the manufacturer's serial number of which or other distinguishing number or identification mark has been removed, defaced, altered or destroyed, except by normal wear and tear. (Prior code 10-187)

Sec. 10-8-80. Affirmative defense for peace officers.

It shall be an affirmative defense to any provision of this Article that the act was committed by a peace officer (as defined by state statute, Colorado Municipal Court Rules or City ordinance), a member of the Armed Forces of the United States or a member of the Colorado National Guard, acting in the lawful discharge of his or her duties, or by a person who has a valid permit, license or authority pursuant to the federal code. (Prior code 10-188)

Sec. 10-8-90. Unlawful sale and possession of restricted ammunition.

It shall be a criminal violation of this Code to sell or possess any restricted ammunition. (Prior code 10-189)

Sec. 10-8-100. Possession under the influence of intoxicants.

It shall be a criminal violation of this Code for any person to have in his or her possession any firearm while he or she is under the influence of a controlled substance as defined in Section 12-22-303(7), C.R.S., or of intoxicating liquor. Possession of a valid concealed weapons permit issued pursuant to Section 18-12-105.1, C.R.S., shall not constitute a defense to a violation of this Section. (Prior code 10-190)

Sec. 10-8-110. Possession of a loaded firearm in a motor vehicle.

It shall be a criminal violation of this Code for any person, except a person authorized by law or by the State Division of Wildlife, to possess or have under that person's control any firearm in or on any motor vehicle unless the chamber of such firearm is unloaded. For the purposes of this Section a *muzzleloader* shall be considered unloaded if it is not primed and, for such purpose, *primed* means having a percussion cap on the nipple or flint in the striker and powder in the flash pan. A revolver shall be considered unloaded if there is no cartridge in the cylinder, and an automatic or semiautomatic weapon shall be deemed unloaded if there is no cartridge in the chamber or magazine. (Prior code 10-191)

Sec. 10-8-120. Possession of firearms by juvenile.

(a) It shall be a criminal violation of this Code for any juvenile to have in such juvenile's possession any firearm.

(b) The prohibition contained in Subsection (a) above shall not apply when a juvenile is in the actual company of the juvenile's parent or legal guardian.

(c) It shall be an affirmative defense to the offense described in Subsection (a) above that the juvenile was, at the time of such possession:

(1) Traveling to, from or engaging in:

- a. A hunter safety course;
- b. A firearms safety course;
- c. Practicing the use of firearms at an authorized shooting range;
- d. Participation in an organized competition involving the use of firearms at an authorized shooting range; or
- e. Holding a valid hunting license issued pursuant to Article 4 of Title 33, C.R.S., and was actively engaged in traveling to or returning from a lawful activity relating to hunting, pursuant to any such license; and
- f. At all times traveling or engaging in such activity with the permission of the juvenile's parent or legal guardian and, if the juvenile was traveling while in possession of a firearm, such firearm was not loaded.

For purposes of this Subsection, an *authorized shooting range* shall include any shooting ranges within the City whose safety rules have been approved by the Chief of Police and/or City Manager, and any established shooting ranges operating outside of the City limits.

(2) In the juvenile's residence.

(d) For the purposes of this Section, a firearm shall be considered loaded if:

- (1) There is a cartridge in the chamber of the firearm.
- (2) There is a cartridge in the cylinder, if the firearm is a revolver.
- (3) There is a cartridge in the magazine, if the firearm utilizes a magazine, whether such magazine is detachable or fixed.
- (4) The firearm and the ammunition therefor are carried on the person of the juvenile or are within such close proximity the juvenile could readily gain access to the firearm and the ammunition and load the firearm.

(e) In the event a juvenile enters a plea of guilty or no contest to this Section or is found guilty at trial, the court shall order the forfeiture of the firearm which the juvenile possessed in violation with this Section. The court may order the return of the firearm to its lawful owner only if the owner shows to the court, by a preponderance of the evidence, that such firearm was unlawfully obtained by the juvenile.

(f) It shall be a criminal violation of this Code for any adult to intentionally, knowingly or by criminal negligence provide a firearm to any juvenile in violation of this Section, or for any parent or

legal guardian of any juvenile who knows of such juvenile's violation of this Section to fail to make reasonable efforts to prevent such violation. (Prior code 10-192)

ARTICLE IX

Minors

Sec. 10-9-10. Curfew; hours.

It shall be a violation of this Code for any person under the age of eighteen (18) years to loiter or remain upon any street, alley or other public place after the hour of 10:00 p.m. or prior to the hour of 5:00 a.m., unless such minor is accompanied by the parent, guardian or other person of the age of twenty-one (21) years or over having permission of the parent or guardian to have the custody and care of such minor; or by any person between the ages of eighteen (18) years and twenty-one (21) years having in his or her possession written permission from the parent or guardian to have the care or custody of such minor; provided that, on Friday and Saturday nights, the curfew hour for minors under eighteen (18) years shall be extended to the hour of 12:00 midnight. It shall be an affirmative defense if, at the time and place charged under this Section, a person is engaged in or proceeding to or from lawful employment. (Prior code 10-211)

Sec. 10-9-20. Curfew; parent or guardian responsibility.

It shall be a violation of this Code for any parent, guardian or other person having care or custody of any person under the age of eighteen (18) years to allow or permit any such minor to loiter or remain upon any street, alley or other public place after the hour of 10:00 p.m. or prior to the hour of 5:00 a.m., unless such minor is accompanied by the parent, guardian or other person of the age of twenty-one (21) years having permission of the parent or guardian to have the custody and care of such minor; or by any person between the ages of eighteen (18) years and twenty-one (21) years having in his or her possession written permission from the parent or guardian to have the care or custody of such minor; provided that, on Friday and Saturday nights, the curfew hour for minors under the age of eighteen (18) years shall be extended to the hour of 12:00 midnight. (Prior code 10-212)

Sec. 10-9-30. Dispensing tobacco.

(a) It shall be a violation of this Code for any person to sell, give, deliver or furnish any tobacco or any article made in whole or in part of tobacco to any minor under the age of eighteen (18) years.

(b) It shall be a violation of this Code for any person who is owner, operator, clerk or person in charge of a store or business wherein is installed an automatic vending machine for cigarettes or other articles containing tobacco to permit any minor under the age of eighteen (18) years to use any such automatic vending machine or to procure therefrom any cigarettes or articles containing tobacco.

(c) It is unlawful for any person under eighteen (18) years of age to possess tobacco products. (Prior code 10-213)

Sec. 10-9-40. False identification.

It shall be a criminal violation of this Code for any minor to make false statements or to furnish, present or exhibit any fictitious or false registration card, identification card or note or other document; or to furnish, present or exhibit such document issued to a person other than the one presenting the same, for the purpose of gaining admission to pool or billiard rooms or other prohibited places, or for the purpose of procuring the sale, gift or delivery of prohibited articles, including beer, liquor, wine, cigarettes and tobacco. (Prior code 10-214)

Sec. 10-9-50. Prohibited purchase.

(a) It shall be a criminal violation of this Code for any person, whether for remuneration or not, to procure for any minor any article which the minor is forbidden by law to purchase.

(b) It shall be a criminal violation of this Code for any minor to engage or utilize the services of any other person, whether for remuneration or not, to procure for such minor any article which the minor himself or herself is forbidden by law to purchase. (Prior code 10-215)

Sec. 10-9-60. Unlawful harboring.

(a) It shall be a criminal violation of this Code for any person knowingly to harbor, keep secreted, cohabit with or provide shelter for any unmarried person under the age of eighteen (18) years without the consent of the parent, guardian or other person having legal custody of such person.

(b) It shall be a criminal violation of this Code for any person to harbor, keep secreted, cohabit with or provide shelter for any unmarried person under the age of eighteen (18) years when such person knows such minor person to be a parole violator or fugitive from the legal process. (Prior code 10-216)

Sec. 10-9-70. Unlawful sales of obscene material to minors.

It shall be a criminal violation of this Code for any person knowingly to sell or loan for monetary consideration to a minor:

(1) Any picture, photograph, drawing, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or

(2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in Paragraph (1) above or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors. (Prior code 10-217)

ARTICLE X

Children Offenders

Sec. 10-10-10. Definitions.

As used in this Article, unless the context otherwise requires:

Child means a person who has attained the age of ten (10) years and who is under eighteen (18) years.

Parent means either a natural parent of a child as may be established pursuant to Article 6 of Title 19, C.R.S., or a parent by adoption. (Prior code 10-231)

Sec. 10-10-20. Duty of parents; appearance in court.

Whenever a summons and complaint for a violation of this Code is filed against a child, the court shall send a parent or guardian, by first class mail, a notice that includes the alleged violation, date of the violation, location at which the violation occurred and the date, time and place of the scheduled court appearance, and an order that the parent or guardian appear with the minor at each and every court appearance. It shall be a violation of this Code for a parent to fail to appear at each and every required court appearance, or fail to comply with the written promise to appear with the child. (Prior code 10-232)

Sec. 10-10-30. Responsibility of parents for payment of fine.

Whenever a minor under the age of eighteen (18) years residing or living with his or her parent is convicted of an offense of this Code for which the court imposes a fine, restitution, court fees or costs, the parents of the minor shall be jointly responsible for payment of such fine, restitution, court fees or costs. It shall be an affirmative defense to the obligation created by this Section if the parent demonstrates to the court that, at the time of the offense either:

- (1) The parent did not have lawful custody of the minor;
- (2) The minor was not residing with the parent; or
- (3) The minor was emancipated.

For the purposes of this Section only, an *emancipated minor* means a minor over fifteen (15) years of age and under eighteen (18) years of age who has, with real or apparent assent of his or her parents, demonstrated his or her independence from his or her parents in matters of care, custody and earnings. The term may include, but shall not be limited to, any such minor who has the sole responsibility for his or her own support, who is married or who is in the military. (Prior code 10-233)

Sec. 10-10-40. Hearings; procedure.

The general public shall not be excluded unless the court makes a specific finding that it is in the best interest of the child to exclude the general public, and in such event, the court shall admit only

such persons as have an interest in the case or the work of the court, including persons who the parents wish to be present. Hearings may be continued from time to time as ordered by the court. (Prior code 10-234)

Sec. 10-10-50. Issuance of summons and complaint.

A member of the Police Department shall be empowered to issue a summons and complaint to a child for any violation of this Code. (Prior code 10-235)

Sec. 10-10-60. Juvenile warrant.

(a) Any arrest warrant issued by the Municipal Court for a child shall bear a conspicuous notation that the arrestee is a child and that the provisions of applicable state statutes must be observed in executing the warrant.

(b) Whenever a child is arrested, the arresting officer shall notify a parent without unnecessary delay. Such notification may be made to a person with whom the child is residing if a parent, guardian or legal custodian cannot be located.

(c) If a parent or other responsible adult responds to the place of detention and signs a written promise to appear with the child at all subsequent court appearances, the child shall then be released to the care of such individual, unless his or her immediate welfare or the protection of the community requires that he or she be detained. If a parent or other responsible adult executes the written promise, it shall not be necessary to post a bond. (Prior code 10-236)

Sec. 10-10-70. Incarceration of child.

(a) No jail sentence shall be imposed upon persons under the age of eighteen (18) who have been convicted of a violation of this Code.

(b) Incarceration not to exceed forty-eight (48) hours may be imposed upon a child for failure to comply with a lawful order of the court, including an order to pay a fine. Any incarceration of a child shall be in accordance with Section 19-2-204(4), C.R.S.

(c) Any child arrested and detained for an alleged violation of a municipal ordinance, and not released on bond, shall be taken before a judge pursuant to the following procedures:

(1) That the juvenile be released to the custody of a parent, guardian or legal custodian without the posting of bond.

(2) That the juvenile be placed in a shelter facility.

(3) That bail be set and that the juvenile be released upon the posting of that bail.

(4) That no bail be set and that the juvenile be detained without bail upon a finding that he or she is a danger to himself or herself or the community.

Such juvenile shall not be detained in a jail, lockup or other place used for confinement of adult offenders for longer than six (6) hours and in no case overnight, for processing only, after which the

juvenile may be further detained only in a juvenile detention facility operated by or under contract with the Department of Institutions. (Prior code 10-237)